

CHAPTER X

RALPH

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A. Legal Standards for Ralph Act Cases

1. The Scope of This Section

This section discusses the category of complaints alleging a violation of Civil Code Section 51.7, known as the Ralph Civil Rights Act. In Ralph Act cases, the complainant asserts that he or she was subjected to violence or intimidation by threats of violence because of his or her protected status. The entire text of the Ralph Civil Rights Act reads as follows:

"(a) All persons within the jurisdiction of this state have the right to be free from violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, disability, or position in a labor dispute. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

"This section does not apply to statements concerning positions in a labor dispute which are made during otherwise lawful labor picketing.

"(b) As used in this section, "sexual orientation" means heterosexuality, homosexuality, or bisexuality."

Two Government Code sections authorize the Department to investigate and conciliate Ralph Act complaints. Government Code Section 12930(f)(2) recognizes that the Department may "...receive, investigate, and conciliate complaints alleging a violation of Section 51 or 51.7 of the Civil Code." Government Code Section 12948 states that it is an unlawful practice under the Fair Employment and Housing Act "... for a person to deny or to aid, incite, or conspire in the denial of the rights created by Section 51 or 51.7 of the Civil Code."

Civil Code Section 52(f) also states that a person aggrieved by a violation of Section 51.7 may file a complaint with DFEH.

Bias-motivated violence occurs in neighborhoods, places of worship, schools, employment, and the context of housing. It is frequently accompanied by such actions as swastika paintings, cross burnings, bomb threats, arson, vandalism of property, assault, bigoted graffiti, bigoted name-calling, and disturbance of religious meetings. DFEH Ralph Act complaints encompass every variety of Ralph Act allegations.

Standard Ralph Act cases focus mainly on proof of discrimination, or Issue II. The respondent defends by claiming that the act of violence or threat of violence did not occur, or that the act was not motivated by hostility to the complainant's protected status. In these cases, the key question under Issue II is whether there is a "causal link" between the act or threat of violence and the complainant's race, sexual orientation, disability, etc.

Note that Civil Code Section 51.7 differs from the employment and housing coverage of the Government Code with respect to the bases protected. Unlike the employment and housing provisions that apply to enumerated bases only, the Ralph Civil Rights Act covers all arbitrary class-based discrimination. As Civil Code Section 51.7 emphasizes:

"The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive."

2. The Legal Standard

I. Jurisdiction

To be covered by Civil Code Section 51.7 as incorporated in Government Code 12948, certain jurisdictional prerequisites must be met:

- A. The adverse action must qualify as violence or intimidation by threat of violence against an individual's person or property;
- B. The complainant must have standing to file, i.e., the complainant's own person or property is affected by the violence, the complainant is part of a class affected by the violence or intimidation by threat of violence, or the complainant is a community organization whose resources have been affected as a result of the violence or threat of violence.
- C. The respondent is a proper respondent. That is, the person against whom the DFEH complaint is filed actually committed the violence or intimidation by threat of violence, the person aided, incited, or conspired in the acts of violence, or the person is an employer or housing provider who is liable for the violent acts of his or her agents.
- D. The asserted basis is enumerated in Civil Code Section 51.7 or covered as non-enumerated, arbitrary class-based discrimination (e.g., persons with long hair).
- E. The act or threat of violence has occurred within one year from the complaint filing date;

II. Discrimination

Ralph Act investigations use the same basic legal standard as most employment investigations under Issue II. If the complainant falls within a group protected by Civil Code Section 51.7, discrimination is shown if:

- A. The respondent engaged in an act of violence against the complainant or intimidated the complainant by threats of violence; and
- B. A "causal connection" exists between the complainant's protected status and the act of violence or intimidation by threat of violence.

The key to this standard is the "causal connection". If the complainant's protected status was "a factor" (part of the respondent's motivation) in the violence or intimidation by threat of violence, the requisite causal connection exists. The complainant's protected status need not be the sole or even the dominant reason for the respondent's actions. Even if other non-discriminatory reasons motivated the respondent's threats or acts of violence, the legal standard is met as long as the complainant's protected status was at least one of the factors

causing the violence. (See discussion, pages 14-15, under Relevant Question C.)

III. Affirmative Defense

The only affirmative defense available in a Ralph Act case is that specifically contained in Civil Code Section 51.7:

"This section does not apply to statements concerning positions in a labor dispute which are made during otherwise lawful labor picketing."

IV. Remedy

Since Civil Code Section 51.7 is incorporated into the Fair Employment and Housing Act through Government Code Section 12948, it is likely that Ralph Act remedies awarded by the Commission are limited to those contained in the employment provisions of the FEHA. Remedies for employment discrimination are found in Government Code Section 12970. If, however, a Ralph Act violation also constitutes a violation of the housing provisions of the FEHA, remedies available in Government Code Section 12987 (including punitive damages) are available to victims of violence.

A legal question exists as to whether the Ralph Act remedies contained in Civil Code Section 52 may be awarded by the Commission. Such damages involve actual damages (including emotional distress damages) and a \$10,000 civil penalty.

B. Analysis of Ralph Act Cases

Although the "causal connection" legal standard is quite simple, the evidence relevant to this standard is often more complex. Even if Respondents admit that they were responsible for acts of violence, they rarely admit that they were motivated by the race, sexual orientation, religion, etc., of the complainant. Thus, "direct" evidence of a causal connection (e.g., a respondent admitting that he or she assaulted a woman because of her lesbian sexual preference), is usually not found in a standard Ralph Act case.

Though the Commission has yet to decide a Ralph Act case, it is expected the Commission will rely on the same kinds of evidence to prove violations of Civil Code Section 51.7 as are used in other cases that are governed by the "causal connection" legal standard. That is, the Commission will look to many other kinds of "indirect" evidence to determine whether the complainant's protected status was a motivating factor in the threat or act of violence. The variety of the kinds of evidence and the differences in the logical routes by which they bear on Issue II require that we use relevant questions for the most typical kinds of evidence found in Ralph Act cases. Remember to use these questions only as a starting point for your own analysis. Each case is different and may well involve only some of the suggested questions, or may require modifications or completely different questions.

Remember, Ralph Act cases often involve additional acts of harm that constitute violations of the employment or housing provisions of the FEHA. For instance, an act of violence may occur in the context of a discriminatory eviction or termination. Since these are separate acts of harm that may result in different remedies, they should be analyzed separately. The analytical outlines in the employment and housing sections of this manual should be used in conjunction with the Ralph analytical outline provided in this chapter.

1. Analytical Outline

I. JURISDICTION

Do the Department and the Commission have jurisdiction over the complaint?

- A. Does the adverse action qualify as violence or intimidation by the threat of violence against the complainant's person or property?
- B. Does the complainant have standing to file?
- C. Is the person or entity against whom the complaint is filed a proper respondent?
- D. Is the asserted basis enumerated in Civil Code Section 51.7 or covered as non-enumerated class-based discrimination?
- E. Did the act of violence or threat of violence occur within the one year complaint filing date?

II. DISCRIMINATION

Was the complainant subjected to acts of violence or intimidation by threat of violence because of the complainant's protected status?

- A. Did the acts of violence or intimidation by acts of violence actually occur?
 - 1. Does any evidence indicate that the alleged incidents actually occurred?
 - 2. Does a pattern of similar incidents indicate that the alleged incident(s) actually occurred?
- B. Is the Respondent's version of the alleged incident(s) factually accurate?
- C. Does any evidence indicate that the alleged incident(s) occurred because of the complainant's protected status?
 - 1. Does direct evidence exist?
 - 2. Does anecdotal evidence exist?
 - 3. Does hearsay evidence exist?
 - 4. Does documentary evidence exist?
 - 5. Does evidence concerning the Respondent's background, or social or political memberships indicate a hostility toward the complainant's protected status?
- D. If the alleged incident(s) did not involve actual violence, but intimidation by threat of violence, is there any evidence to indicate that the complainant was, in fact, intimidated ?
- E. Other relevant questions?

III. Affirmative Defense

Does an affirmative defense exist because the incidents were statements concerning a position in a labor dispute that were made during lawful labor picketing?

- A. Does evidence indicate that the alleged incidents were statements only, or, did the incidents also involve actual violence?
- B. Does evidence indicate that the incidents were solely statements concerning a position in a labor dispute, or, did the statements also concern another basis protected by Civil Code Section 51.7?
- C. Does evidence indicate that the statements were made during lawful labor picketing?

IV. Remedy

What remedy is proper?

- A. What evidence demonstrates complainant's entitlement to actual damages as a result of the threat or act of violence?
- B. If the violation is employment related, what evidence demonstrates complainant's entitlement to compensation for lost wages and benefits?
- C. If the violation is housing related, what evidence demonstrates complainant's entitlement to actual and punitive damages?
- D. What affirmative or general relief is required?

2. Explanation of the Analytical Outline

I. JURISDICTION

Do the Department and Commission have jurisdiction over the complaint?

California Civil Code Section 52 permits a victim of Ralph Act violence to pursue a civil court action without first filing a DFEH complaint. Many victims also file criminal actions pursuant to Penal Code provisions (see Appendix B). When an individual seeks a DFEH administrative remedy, certain jurisdictional prerequisites must be met. These elements are discussed below.

A. Does the adverse action qualify as violence or intimidation by threat of violence against an individual's person or property?

Though little case law exists to explain the parameters of what constitutes "violence" or "intimidation by threat of violence" under Civil Code Section 51.7, certain generalizations can be made. Actual violence may include physical assault, vandalism, graffiti, and any kind of property damage. For example, in the case of Diem v. City and County of San Francisco (N.D. Cal. 1988), 686 F. Supp. 806; 48 EPD, 38,593, a Ralph Act violation was found where a Jewish firefighter was physically assaulted by co-workers while being subjected to religious and ethnic slurs. In the case of J. R. Norton Company v. General Teamsters, Warehousemen and Helpers Union, Local 890 (1988; 208 Cal. App. 3d 430), the appellate court acknowledged the trial court's finding that striking employees who threw rocks and bottles at company trucks and pulled non-striking employees out of company trucks were liable for a Ralph Act violation.

"Intimidation by threat of violence" includes verbal and written threats, and harassment. Intimidation will be shown where an individual reasonably fears violence may be committed. Where the threat is from one person to another of equal strength and capability, do not automatically conclude that the complainant could not have been intimidated. If the "violent" or "intimidating" aspect of the threat is not immediately apparent, explore with the complainant why he or she perceived it to be so.

B. Does the complainant have standing to file?

Individuals and entities who may seek an administrative remedy through the DFEH include the following:

1. An individual whose own person or property is threatened or damaged;
2. An individual whose person or property is threatened may also file on behalf of a group or class of people;
3. An individual who is threatened because of his or her association with a member of a protected class. Association cases may take various forms. For example, a Caucasian complainant may be a victim of violence because of his or her relationship with an African-American. An individual may be intimidated by the threat of violence by witnessing a member

of his or her protected group being subjected to violence. For instance, in the case of Coon v. Joseph (1987) 192 Cal. App. 3d 1269; 237 Cal. Rptr. 873, an individual filed a sexual orientation/"intimidation by the threat of violence" case where he witnessed his intimate friend being physically assaulted. Both the plaintiff and his homosexual friend were refused entry into a bus and the plaintiff's friend was struck by the bus driver. The plaintiff feared for his own safety as he assumed that the same bias that motivated the bus driver's attack on his friend might also be directed against him.

Though the California Appellate Court found that the plaintiff in Coon did not state a cause of action because the threat was not actually directed against him, the Commission would likely view this type of allegation differently. In Coon, the Court analyzed the case as if it were solely a claim for intentional infliction of emotional distress. Had the Court focused on the nature of a Ralph Act violation, i.e., the civil right to live peacefully without intimidation by the threat of violence, it would likely have found that Coon's civil rights were violated. If a case of this nature is presented to you, give the complainant the benefit of the doubt and seek legal advice.

4. A community organization or Human Relations Commission may also seek a DFEH administrative remedy if the respondent's violence interfered with the organization's activities or diminished the organization's resources.

In the precedential decision, DFEH v. Norman Green, FEHC Dec. No. 86-07, the Commission indicated that the above criteria were sufficient to give a community organization standing to file as an "aggrieved association" within the meaning of the FEHA. In Norman Green, the complainant, the Hollywood-Wilshire Fair Housing Council, existed to promote non-discriminatory housing. The respondent's discrimination caused the Council to divert resources from its regular education and outreach activities. The Commission found that this injury was sufficient to give the Council standing to file.

The Department's policy is to interpret the "aggrieved person" language liberally. An individual or organization who asserts he or she has been affected by Ralph Act violence is likely an "aggrieved person".

5. Note that the Director of DFEH may also file a pattern-and-practice or class action Ralph Act complaint. Government Code Section 12961 authorizes the Director to file complaints on behalf of, or as a representative of, a class of individuals. According to Enforcement Directive 11, such complaints are appropriate in the following circumstances:
 - a. The complaint involves a significant or large respondent where the anticipated remedy would impact a large number of people;
 - b. The allegation addresses a new question of law; or

- c. Resolution of the complaint would have a significant civil rights impact consistent with the priorities of the DFEH.

C. Is the person or entity against whom the complaint is filed a proper respondent?

In addition to the individual who actually commits the act of violence or intimidation by threat of violence, other individuals may be proper respondents under the FEHA. They include the following:

1. Any person who aids, incites, or conspires in the denial of rights created by Civil Code Section 51.7 (refer to Government Code Section 12948);
2. Employers and housing providers may be liable for the acts of their agents. If the perpetrator of violence or intimidation by threat of violence is a "managing agent" within the employment or housing context, apply the same standard of "strict liability" as used in employment and housing harassment cases. If the perpetrator/harasser is a non-supervisory employee, use the "actual or constructive knowledge" standard applied in harassment cases (see Employment Chapter, Section 5 of this manual).

D. Is the asserted basis enumerated in Civil Code Section 51.7 or covered as non-enumerated class-based discrimination?

Most of the protected bases enumerated in Civil Code Section 51.7 are also found in the employment and housing provisions of the FEHA: race, color, religion, ancestry, national origin, sex, age, and disability. Other enumerated bases include political affiliation, sexual orientation (defined as "heterosexuality, homosexuality, or bisexuality), and position in a labor dispute. Any of these bases may represent the complainant's true class membership, or the complainant's perceived protected status.

"Position in a labor dispute" is the basis upon which the employer filed a Ralph Act violation against the union employees in the case of J. R. Norton v. General Teamsters, Warehousemen and Helpers Union, Local 890. Though it is unlikely that this allegation will appear frequently in DFEH caseloads, consultants should be familiar with the full parameters of the Ralph Civil Rights Act. Issues relating to one's position in a labor dispute will be discussed further in the "Affirmative Defense" section below.

In addition to the enumerated bases listed above, the Ralph Act potentially encompasses violence or intimidation by threat of violence based on any arbitrary, class-based discrimination. This potential is recognized in that sentence of Civil Code Section 51.7 that states: "The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive."

Though Ralph Act coverage is very broad, it does not encompass violence based solely on such grounds as personal differences,

neighborhood disputes, or teenage conflicts. Clearly, the intent of the Ralph Civil Rights Act is to address bias-motivated violence. Arbitrary, class-based discrimination that can be characterized as such is actionable under Civil Code section 51.7.

E. Did the act of violence or threat of violence occur within the one-year complaint filing deadline?

Since Civil Code Section 51.7 is incorporated into the Fair Employment and Housing Act through Government Code Section 12948 (contained in Chapter 6, Article 1), Ralph complaints are subject to the same filing procedures that govern that section. The complaint filing time frame is found in Government Code Section 12960. This section provides that a DFEH complaint must be filed within one year of the alleged unlawful practice. Section 12960 states that this period may be extended for 90 days following the expiration of one year "... if a person allegedly aggrieved by an unlawful practice first obtained knowledge of the facts of the alleged unlawful practice after the expiration of one year from the date of their occurrence."

Consultants should be aware that a victim of Ralph Act violence may have up to three years from the alleged incident to file a private lawsuit. For more discussion on this statute of limitations, see DFEH Legal Interpretation #6103.

II. Discrimination

Was the complainant subjected to acts of violence or intimidation by threat of violence because of the complainant's protected status?

The legal standard for Issue II in Ralph Act cases asks whether there is a causal link or connection between the complainant's protected status and the threat or act of violence. This Issue question, then, asks whether the violence occurred because of the complainant's protected status. The respondent will almost always deny the existence of this causal connection, and most of the relevant questions therefore focus on this disputed aspect of the case. Note that a violation is established if the complainant's protected status is any factor motivating the act or threat of violence.

A. Did the acts of violence or intimidation by threat of violence actually occur?

Unless a police report was filed, or a number of witnesses observed the threat or act of violence, respondents usually deny that any violence occurred. The following two questions represent typical kinds of evidence that may be used to evaluate whether threats or acts of violence actually occurred.

1. Does any evidence indicate that the alleged incidents actually occurred?

Many different types of evidence may exist to indicate whether the alleged incidents occurred: direct, anecdotal, documentary, witnesses to the incident itself, witnesses who were told about the incident, the complainant's statement and the respondent's statement, and any other evidence.

Consultants will find it useful to rely on some of the investigative techniques that they use in employment harassment investigations. Remember that two opposing statements by witnesses or the complainant and respondent will not necessarily cancel each other out. Rather, they must be weighed against one another in terms of the credence an administrative law judge and the Commission would give them.

Evidence that may be particularly helpful in establishing whether the incident occurred includes the following:

- a. Any kind of incident report filed with a law enforcement agency (police, sheriff, highway patrol, etc.);
- b. Criminal record of perpetrator and/or probation officer's report;
- c. An insurance report submitted to obtain reimbursement for property damage (may include car insurance, homeowners insurance);
- d. Photographs depicting property damage or injury to the person;
- e. Newspaper articles published about the incident;
- f. A Workers' Compensation claim report (if work related);
- g. Medical and/or counseling records indicating the need for medical or other professional treatment;
- h. School or work incident reports; personnel files if work related;
- i. Claim filed with the Victims of Crime Program (see Appendix C);
- j. Evidence indicating victim sought assistance of a local human rights group or community organization, NAACP, MECCA, etc.

2. Does a pattern of similar incidents indicate that the alleged incidents actually occurred?

This question inquires whether the respondent is inclined toward this type of behavior. If there is evidence that the respondent committed similar threats or acts of violence, this would tend to support the complainant's assertion that the alleged incident occurred. If the incident is work-related, review the respondent's personnel file and interview co-workers to assess whether the respondent has committed acts similar to those alleged by the complainant. If the alleged incident occurred in the complainant's or respondent's neighborhood, interview neighbors to determine whether similar events occurred.

B. Is the respondent's version of the alleged incidents factually accurate?

Just as in most termination cases, the respondent will usually deny that the threat or act of violence occurred because of the complainant's protected status. Instead, the respondent will assert a rebuttal - a claim that some other non-discriminatory reason caused the action to occur. The investigation should identify each such rebuttal reason and check its accuracy.

C. Does any evidence indicate that the alleged incident(s) occurred because of the complainant's protected status?

Many of the kinds of evidence gathered under relevant question A above can be used to determine whether the threat or act of violence was motivated, all, or in part, by the complainant's protected status. This evidence is further broken down into the sub-questions below.

1. Does direct evidence exist?

Direct evidence demonstrates the causal connection directly. Rarely will a respondent admit that he or she was motivated by racial, religious, sexual, etc., animus, but the act itself may directly demonstrate bias. For instance, a written death threat that includes the statement: "you will burn like all other Jews" is a direct indication of the motivation behind the threat.

It is the rare case that is substantiated primarily through direct evidence. However, always check for this very powerful evidence.

2. Does anecdotal evidence exist?

Anecdotal evidence may take many forms: words or symbols that are offensive to a specific group (e.g., swastikas, cross-burnings, slurs such as "nigger" and "faggot"); the timing of a violent incident to coincide with a specific holiday or date of significance, e.g., Martin Luther King Holiday, Gay Day Parade, Rosh Hashanah).

Anecdotal evidence is frequently the only type of evidence available to help demonstrate a causal connection. However, the use of racial comments, etc., during an act of violence does not necessarily indicate that the attack was racially motivated. It is a strong suggestion of racial bias, but the causal connection must still be substantiated. Approach this evidence by investigating whether the respondent was responsible for the slurs, symbols, etc., and whether such conduct actually does indicate that the violent incident was motivated, even partially, by the complainant's protected group status.

Anecdotal evidence may be gathered from witnesses and from investigative interviews with the respondent. For instance, if the respondent is Caucasian and the complainant believes that the incident was racially motivated (complainant is

African-American), ask the respondent about his or her feelings about the complainant's race. Explore whether the respondent or the respondent's family and friends have had any negative experiences with members of the complainant's race.

If the respondent is native-born and the complainant is an immigrant or from an ethnic group associated with immigrants, ask the respondent about his or her feelings about immigration, immigrants taking jobs away from Americans, English-only movements, etc. If the complainant is gay or lesbian, ask the respondent about his or her feelings about a gay or lesbian lifestyle. Ask the respondent how AIDS is transmitted and whether he or she knows anyone with AIDS, ARC, or who has been diagnosed as HIV-Positive. Modify questions of this nature, as appropriate, to the source of the respondent's alleged bias toward the complainant.

3. Does hearsay evidence exist?

Explore whether the complainant or respondent discussed the alleged incident with other individuals. Inquire about whether the complainant or respondent described the incident as a racial incident, or one motivated by religious bias, homophobia, etc. Though hearsay evidence will not by itself substantiate the complainant or respondent's position, it may lend credibility to one or the other's version of events.

4. Does documentary evidence exist?

Like anecdotal evidence, documentary evidence takes many forms. Witnesses may have been interviewed by a law enforcement officer or community organization, and witness statements might be contained in their files. The respondent might have left a note or printed literature at the scene of the incident. Explore whether the complainant kept a journal or diary describing the incidents. The complainant's counseling or medical records may discuss the alleged incidents. Insurance investigative reports may also be available.

Documentary evidence is very powerful evidence. Do not neglect to explore whether this type of evidence exists.

5. Does evidence concerning the respondent's background, or social or political memberships indicate a hostility toward the complainant's protected status?

Explore whether the respondent is a member of an organized hate group. Consider whether the respondent's clothing or appearance indicates that he or she may be a member of such a group. Even if the respondent is not a member of an organized hate group, investigate whether the incident indicates any involvement by a group such as the American Nazi Party, the Ku Klux Klan, etc. Explore whether the means and manner of attack is a similar modus operandi to other documented incidents.

Interview the respondent and ask the respondent to characterize his or her political, philosophical, and religious beliefs. Inquire as to whether the respondent belongs to any political, philosophical, or religious groups or whether the respondent associates with members of a particular group. Ask the respondent if he or she has ever met or associated with any member of the Skinheads, the Aryan Youth Movement, or the White Aryan Resistance. Attempt to determine whether the respondent understands the impact of the alleged incident on the complainant and other members of the complainant's protected group.

- D. If the alleged incident did not involve actual violence but INTIMIDATION by threat of violence, is there any evidence that the complainant was, in fact, INTIMIDATED?

Civil Code Section 51.7 prohibits not the threat of violence itself, but intimidation by the threat of violence against one's person and property. Little case law exists to explain what constitutes "intimidation" (see the discussion of Coon v. Joseph, Issue I, relevant question B(3)). However, it is likely that the Commission will expect the Department to show that the complainant reasonably feared that violence would be committed. "Reasonable fear" could be demonstrated by showing that the perpetrator actually had the ability to harm the complainant and that a reasonable person would conclude that bodily harm or property damage might result. "Reasonable fear" could be partially demonstrated with the complainant's own testimony of his or her reaction to the threat of violence. Other evidence includes the testimony of individuals with whom the complainant shared the incidents, or who actually witnessed the complainant's reaction. Explore whether any written accounts of the complainant's reaction are contained in the complainant's diary, journal, or have been recorded by a counselor, medical doctor, or confidant.

Remember that Ralph Act violations involve uncharted and developing areas of civil rights law. Rely on your common sense and investigative experience, but do not hesitate to be creative.

- E. Other relevant questions?

This question addresses itself to any other evidence that might show a link between the threat or act of violence and the complainant's protected status. Remember that the relevant questions above represent the most common types of questions that should be considered. They are not the only questions that could be asked. Always ask what logically fits each individual case.

III. Affirmative Defense

Does an affirmative defense exist because the incidents were statements concerning a position in a labor dispute made during lawful labor picketing?

An affirmative defense was added to Civil Code Section 51.7 effective January 1, 1988. It states:

"This section does not apply to statements concerning positions in a labor dispute which are made during otherwise lawful labor picketing."

Broken down into its component parts, this affirmative defense:

- A. Only applies to one of the bases contained in Civil Code Section 51.7: "position in a labor dispute";
- B. Only covers statements about one's position in a labor dispute; actual violence is not so exempted;
- C. Only protects statements about one's position in a labor dispute when made during lawful labor picketing.

Use the following relevant questions to analyze whether an affirmative defense is available.

- A. Is there any evidence to indicate that the incidents involved actual violence?

Actual violence relating to one's position in a labor dispute does not fall under the affirmative defense allowed by Civil Code Section 51.7. The only activity excused by the affirmative defense includes statements about one's position in a labor dispute. In the case of J. R. Norton Company v. General Teamsters, Warehousemen and Helpers' Union, Local 890, (1989), the appellate court acknowledged the trial court's finding that striking employees committed violence against company property as well as non-striking workers because of Norton's management position in the labor dispute. Since actual violence was committed, no affirmative defense was available and union employees were found liable for a Ralph Act violation.

If statements are combined with physical violence, the acts of violence are still potential violations of the Ralph Act. Keep this distinction in mind, and analyze the alleged incidents carefully.

- B. Does evidence indicate that the incidents were solely statements concerning a position in a labor dispute, or did the statements also concern another basis protected by Civil Code Section 51.7?

Remember that the affirmative defense in Civil Code Section 51.7 is a narrow one that only applies to one protected basis: "position in a labor dispute." If a statement threatening violence is made because of one's position in a labor dispute and one's race, for instance, the statement linked to race is a potential violation. Each statement alleged to constitute "intimidation by threat of violence" should be carefully analyzed.

- C. Does evidence indicate that the statements were made during lawful labor picketing?

The only statements falling within the protection of the affirmative defense are those made during lawful labor picketing (i.e., a strike-related picket line, an informational picket line without a work stoppage). This provision appears to be a

legislative acknowledgment that heated situations develop during labor picketing and participants should be allowed some leeway in expressing strongly-held views.

Note that if statements constituting "intimidation by threat of violence" are made because of one's position in a labor dispute and such statements are not made during lawful labor picketing, a potential Ralph Act violation exists.

In conclusion, the affirmative defense contained in Civil Code Section 51.7 is a narrow one that warrants careful analysis of each of the elements. When this defense is raised, consult legal for assistance.

IV. Remedy

What remedy is proper?

Since Civil Code Section 51.7 is incorporated into the FEHA through Government Code Section 12948, it is likely that Ralph Act remedies awarded by the Commission are limited to those contained in the employment provisions of the FEHA. The remedy provision is found at Government Code Section 12970. If, however, a Ralph Act violation is included in a violation of the housing provisions of the FEHA, remedies available in Government Code Section 12987 are available to victims of housing-related victims of violence. These remedies include actual damages and limited punitive damages.

A legal question exists as to whether the Ralph Act remedies contained in Civil Code Section 52 may be awarded by the Commission. This Civil Code Section provides for actual damages, which includes damages for emotional distress and a \$10,000 civil penalty. It is an open question as to whether the DFEH has the authority to enforce Civil Code Section 52. Resolution of this issue awaits a finding by the Fair Employment and Housing Commission and/or the courts.

Use the following list of relevant questions to focus on the variety of potential remedies available in DFEH Ralph Act cases. For a review of Ralph Act remedies available through avenues other than the DFEH, consult Appendixes D and E.

A. What evidence demonstrates complainant's entitlement to actual damages as a result of the threat or act of violence?

If the complainant has suffered actual, out-of-pocket losses because of the respondent's unlawful actions, the Commission will attempt to make the complainant whole. The Commission will order monetary compensation plus interest for these losses. In order to obtain such compensation for the complainant, the Department must show the nature and amount of the loss, and prove that the loss occurred as a result of the respondent's violence or intimidation by threat of violence.

Actual, out-of-pocket losses may include, but are not limited to the following:

1. Compensation for the repair or replacement of property;
2. Medical expenses for injury to the complainant's person;

3. Compensation for counseling or therapy costs;
4. Compensation for lost wages or time missed from work due to the need to recover from the incident(s) of violence;
5. Expenses for challenging discrimination, e.g., telephone expenses to obtain information and assistance in pressing claims (DFEH v. Louis Cairo, FEHC Dec. No. 84-04); legal expenses or attorney fees for significant, independent work that is not unnecessarily duplicative of that of the Department (DFEH v. Raytheon, FEHC Dec. No. 87-34).

B. If the violation is employment-related, what evidence demonstrates the complainant's entitlement to compensation for lost wages and benefits?

Employment-related Ralph Act violations warrant many of the same remedies ordered in standard employment cases. Though these remedies are discussed at length in the Remedy Chapter of this manual, a brief list is included below:

1. Placement;
2. Back pay;
3. Front pay;
4. Benefit losses;
5. Loss of experience;
6. Expenses to obtain alternate employment or income.

C. If the violation is housing-related, what evidence demonstrates the complainant's entitlement to actual and punitive damages?

In addition to remedies such as obtaining a housing unit, actual damages in housing cases include compensation for increased rent or sales price, loss of deposits, wages lost while looking for other housing, the cost of finding different housing, extra moving expenses, and increased transportation costs at new housing.

Actual damages in housing cases include compensatory damages for emotional distress. In Peralta Community College District v. Fair Employment and Housing Commission (1990), 52 Cal.3d 40, the California Supreme Court acknowledged that the actual damages provided for in Government Code Section 12987 included compensation for emotional distress. In order to obtain an order from the Commission for this type of relief, the Department must present evidence that the complainant actually did suffer emotional injury. The Department must also prove that the complainant's emotional injury was, in fact, caused by the respondent's unlawful actions.

Though the FEHC has ruled that emotional injury can be inferred from the circumstances, it will not find a legally compensable injury from such inference alone (DFEH v. American Airlines, FEHC Dec. No. 83-15, p. 56; DFEH v. Aluminum Precision Products, FEHC

Dec. No. 88-05, pp.11-12). Actual injury must be proven by credible evidence. Among other things, the Commission will consider how the discrimination affected the complainant's:

1. Feelings and emotions;
2. Personal integrity, personhood, dignity;
3. Mental well-being;
4. Capacity to work, earn, and live a free life;
5. Good name;
6. Privacy;
7. Relationship with family;
8. Access to job and ability to associate with co-workers and peers;
9. Professional future; and
10. Standing in the community.

Finally, emotional distress damages are especially appropriate for egregious acts, such as physical assaults or threats of violence in housing cases.

Where an act of violence or intimidation by threat of violence occurs in the context of housing discrimination, complainants may be entitled to punitive damages under Government Code Section 12987(2). In order to obtain punitive damages from the Commission, the Department must prove that the respondent acted with the intent to vex, injure, or annoy the complainant, or the respondent acted with conscious disregard of the complainant's rights (DFEH v. Gwen-Bar, FEHC Dec. No. 83-18, p. 9; DFEH v. Norman Green, FEHC Dec. No. 86-07).

Though compensatory and punitive damages may be awarded for a respondent's act(s) of violence in the context of housing discrimination, note that such damages are obtainable only when a complaint is filed within sixty (60) days of the alleged unlawful incident. This is so because housing discrimination violations that provide for actual/compensatory and punitive damages are complaints filed pursuant to Government Code Section 12955. The filing procedures of Government Code Section 12980 govern this section and provide that complaints be filed within sixty (60) days of the alleged violation. This period may be extended for an additional sixty (60) days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial sixty (60) day period.

D. What affirmative or general relief is required?

In addition to the remedies discussed above, Government Code Sections 12970 and 12987 authorize the Commission to order affirmative or general relief. This remedy is designed to stop

the respondent from continuing the act of discrimination and to deter future violations.

In addition to the standard types of affirmative relief obtained in employment and housing cases, suggested affirmative relief provisions in Ralph Act cases include:

1. Temporary restraining orders and injunctive relief;
2. Referral of a Commission decision to the local district attorney for filing criminal charges pursuant to a Penal Code violation (DFEH v. Huncot Properties, FEHC Dec. No. 88-21, p. 18). For a review of penal code provisions that encompass bias-related violence, refer to Appendix B.
3. Mandated counseling for the respondent;
4. A Commission order or negotiated settlement providing that the respondent do community service for an organization that serves the complainant's protected group.
5. Requirement that the respondent publicly acknowledge and apologize for the Ralph Act violation, e.g., publication of a newspaper advertisement.

C. The Law: Sources of the Legal Standards for Ralph Act Cases

1. Statute

FEHA (Government Code) Sections 12930(f)(2), 12948; Civil Code Sections 51.7, 52(f)

2. Commission Decisions

The FEHC has yet to render a precedential or non-precedential decision in a Ralph Act case

3. Court Decisions

Coon v. Joseph (1987) 192 Cal. App. 3d 1269; Cal. Rptr. 873. Sexual orientation (homosexual) - intimidation by threat of violence (denied entry to a municipal bus and witnessed his intimate friend being verbally abused and struck by bus driver). Court failed to find a Ralph Act violation because the assault was not directed against the plaintiff directly, but against the plaintiff's intimate friend.

Diem v. City and County of San Francisco (N.D. Cal. 1988) 868 F.Supp. 806, 48 EPD 38,593. Religion (Jewish) - physical assault accompanied by religious and ethnic slurs (including placement of inflammatory and derogatory materials on firehouse bulletin boards, anonymous threats from fire fighters). Recovery for violation of California Civil Code Section 51.7 is not preempted by the FEHA. Allegations by a former municipal firefighter that various officials, supervisors and employees of the fire department committed acts constituting an ongoing pattern of religious discrimination and harassment were sufficient to permit an inference that the conduct was part of an official policy or custom, and that the municipality and department officials may be liable under 42 U.S.C. Section 1983.

J. R. Norton Company v. General Teamsters, Warehousemen and Helpers Union, Local 890 (1989) 208 Cal. App. 3d 430; 256 Cal. Rptr. 246. Position in a labor dispute (management) - violence against company property and non-striking employees during lawful strike (strikers threw rocks and bottles at company trucks, shot at Norton employees, tried to pull Norton employee out of the truck as he was driving, caused flat tire by throwing spikes and nails under labor crew buses, banned picket signs on company trucks). Appellate court acknowledged trial court's finding that employees' violent activity constituted a Ralph Act violation.

4. Reference Material

The Ralph and Bane Civil Rights Acts; A Manual For Attorneys by the Department of Fair Employment and Housing and the Fair Employment and Housing Commission.

Hate Violence: Rights and Remedies, A Training Manual for Human Rights Organizations, by the Department of Fair Employment and Housing and the Fair Employment and Housing Commission.

APPENDIX A

RALPH ACT CASES: SPECIAL INVESTIGATIVE REMINDERS

Though Ralph Act cases share many similarities with employment and housing investigations, there are some unique aspects that warrant special emphasis. Be alert to the following when investigating Ralph Act violations:

1. Ralph Act investigations are potentially hazardous. Investigators from the California Department of Justice (DOJ) are available to assist in processing these DFEH cases. DOJ investigators have peace officer status and access to law enforcement systems. For further information or coordinating investigations with DOJ, consultant Directive 59.
2. The filing and processing of Ralph Act complaints may be hazardous for complainants. Advise complainants that they have the right to request that DFEH refrain from revealing their telephone numbers and home addresses to respondents.
3. In order to proceed with a Ralph Act investigation, the perpetrator of the threat or act of violence must be identified. Housing cases in which the respondent cannot be identified may be referred to the U.S. Department of Justice (see Directive 59).
4. For a nominal fee, local sheriff offices will serve Ralph Act complaints.
5. Many Ralph Act violations are also violations of California Penal Code provisions. Always inquire as to whether the complainant has filed a police report and whether the District Attorney is pursuing a Penal Code violation on the complainant's behalf. This is valuable evidence that may be used in a DFEH investigation. For a review of Penal Code provisions that prohibit bias-related crimes, refer to Appendix B.
6. Some complainants may benefit from filing claims with California's "Victims of Crime Program". For a description of this program, refer to Appendix C.
7. The DFEH administrative process is only one of several avenues through which a victim of violence may seek redress. For a brief outline overview of Ralph Act coverage, enforcement avenues, and remedies, refer to Appendix D. For a chart comparison of the various Ralph Act enforcement avenues, refer to Appendix E.

APPENDIX B

BIAS-RELATED PENAL CODE PROVISIONS

A number of California Penal Code provisions prohibit bias-related violence or threats of violence. While the Ralph Civil Rights Act provide protections and monetary damages to victims of violence, the Penal Code provisions punish the perpetrators of intimidation and violence. A local District Attorney or the California Attorney General can prosecute people who break these laws.

Applicable criminal laws are the following:

- Pen. Code § 190.2, subd.(a)(16): Provides a **death penalty for murder** because of the victims' race, color, religion, nationality, or national origin.
- Pen. Code § 258: Establishes a misdemeanor **to maliciously slander**, among others, "any social fraternal...religious corporation, association, or organization."
- Pen. Code § 302: Establishes a misdemeanor **to willfully disturb a group of people met to worship**.
- Pen. Code § 422.6, subd.(a) (Bane Act): Provides it is a misdemeanor **to interfere by force or threat of force with a person's constitutional rights** because of a person's race, color, religion, ancestry, national origin, or sexual orientation. (Penalty: up to 6 months in jail or \$5,000 or both.)
- Pen. Code § 422.6, subd.(b) (Bane Act): Provides it is a misdemeanor **to damage a person's property** because of his or her race, color, religion, ancestry, national origin, or sexual orientation. (Penalty: up to 6 months in jail or \$5,000 or both.)
- Pen. Code § 422.7 (Bane Act): Provides that actions which are normally **misdemeanors can become felonies if committed because of bigotry**.
- Pen. Code § 422.8 (Bane Act): Provides that nothing in §§ 422.6 or 422.7 prevents or limits the prosecution of any person.
- Pen. Code § 422.9, subd.(a) (Bane Act): Provides it is a misdemeanor punishable by up to 6 months in jail or \$1,000 or both **to violate an order issued pursuant to Civ. Code § 52.1**, subds. (a) or (b).
- Pen. Code § 422.9, subd.(b) (Bane Act): Provides up to 1 year in jail for a person **previously convicted of violating an order issued pursuant to Civ. Code § 52.1**, subds. (a) or (b), who is brought and tried upon separate charges.
- Pen. Code § 422.9, subd.(c) (Bane Act): Mandates the **primary responsibility of county prosecuting agencies** for enforcing orders issued pursuant to Civ. Code § 52.1.
- Pen. Code § 594.3: Provides it is a felony or misdemeanor **to knowingly vandalize a place of worship**.

- Pen. Code § 1170.75: Provides **additional punishment for felonies** committed because of a victim's race, color, religion, etc.

- Pen. Code § 1170.8: Provides **additional punishment for robbery or assault of persons within a place of worship.**
- Pen. Code § 1170.85: Provides **additional punishment for felonies committed against the aged or disabled.**
- Pen. Code § 11410: States that the **urging of violence where harm is possible** is conduct not protected by the California Constitution.
- Pen. Code § 11411: Provides it is a misdemeanor **to cause a person to fear for their safety by burning a cross or by displaying racist signs.**
- Pen. Code § 11412: Provides it is a felony **to attempt to discourage religious activities by threats of violence.**
- Pen. Code § 11413: Provides it is a felony **to use a bomb against or to set on fire a place of worship.**

APPENDIX C

CALIFORNIA'S VICTIMS OF CRIME PROGRAM

The California Victims of Crime (VOC) Program was established by the Legislature in 1965. The purpose of the program is to provide financial assistance to victims for the unreimbursed expenses that result from crime. Consultants should be familiar with this program in order to advise eligible victims of the possibility of receiving financial assistance. A discussion of the components of the program follows:

A. Eligible Victims

The list of individuals eligible for this assistance includes:

- Anyone who suffers physical injury or threats of injury and/or emotional injury;
- A survivor of a person who dies as a direct result of a crime;
- Any legal dependents of a crime victim;
- Anyone who shares a close relationship to a victim and who was present during commission of the crime;
- Anyone who must receive psychological treatment as a result of a crime or who should be included in the psychological treatment of the victim;
- Anyone who takes legal responsibility and/or pays for a victim's medical or burial expenses;
- Anyone injured as a result of an automobile accident, if the party at fault was charged with hit/run, driving under the influence, using vehicle as a weapon, or fleeing the scene of a violent crime.

Even where the victim fits the above descriptions, the applicant may be ineligible for assistance through the program, if:

- The victim committed a crime that is directly related to this incident, or
- The victim contributed to or took part in events leading up to the crime, or
- The victim refuses to cooperate with the investigation and prosecution of known suspects, or
- The applicant refuses to cooperate with the staff of the Board of Control and/or local victims center in the verification of information in the application.

B. Qualifying Requirements

In order for an applicant's request to qualify, certain requirements must be met. The incident must be reported to police, sheriff, highway patrol,

or other law enforcement agency. The victim must cooperate with the investigation and prosecution of any known suspects. The crime must have occurred in California or to a resident of California.

C. Losses Covered

Many of the expenses incurred as a result of a crime are covered, if the applicant is accepted. Most medical, mental health counseling, funeral/burial, loss of wages, loss of support, and job retraining and rehabilitation expenses are covered, if they are not reimbursed by other sources. Other sources of reimbursement, such as life insurance, auto insurance, medical insurance, health benefits, worker's compensation, Social Security, civil recovery and restitution, must be exhausted before a victim will be eligible. Moreover, any money recovered by any court judgment, settlement, or otherwise, as a result of the incident will be used to repay the State.

In order to receive reimbursement for lost income, the victim must have suffered a net loss of \$100 or 20% of the victim's net monthly income, whichever is less. Persons subject to a fixed income are exempt from this requirement.

Loss of personal property, including cash are not recoverable under the Victims of Crime Program, but a court may order the party at fault to reimburse the victim. Similarly, expenses associated with prosecution are not recoverable under this Program, but attorney's fees may be awarded by a court.

D. Emergency Award

An eligible victim may apply for emergency financial assistance for up to \$1,000 for loss of income, emergency medical treatment, or funeral/burial expenses. The application for such an award must be filed within six months after reporting the crime to police, sheriff, highway patrol or other law enforcement agencies. It is the Board of Control's discretion to either grant or deny the emergency award.

E. Job Retraining or Rehabilitation Services

In order to be eligible for reimbursement for job retaining or rehabilitation, the applicant must first apply to the California Department of Rehabilitation for an evaluation of the applicant's retraining needs. The Department of Rehabilitation must then submit a retraining evaluation and plan to the Board of Control stating the types of services or retraining planned, the provider of the services, the cost and the need for the services. Upon receipt of the evaluation and plan from the Department of Rehabilitation, the Board of Control may then grant the funds.

F. Legal Fees

Although prosecution expenses are not recoverable under this program, the Board of Control may award legal fees for the legal help needed in filing the claim for victim's assistance. The amount recoverable for legal fees may not exceed 10% of the amount of the total victim's assistance award or \$500, whichever is less. Attorneys may not charge any fee for help in filing the victim's assistance claim beyond that awarded by the Board of Control for the attorney's assistance.

G. Applying for Program Assistance

The application for victim's assistance must be filed within one year of the incident from which the claim arises, but some applications delayed because of ignorance of the Program will be accepted after the one year cut off. If one year has passed, the applicant should include with his/her application a statement explaining when the victim first heard of the Victims of Crime Program, from whom, and the reason for delay of the application.

To receive an application, contact the State Board of Control, P. O. Box 3036, Sacramento, CA 95812-3036 (telephone 916-322-4426), or contact the victim's local victim witness program.

H. Verification and Hearing on the Application

The applicant will be notified by mail of the staff recommendation. If the assistance is denied, an applicant may request an informal hearing before the Board of Control. The applicant will be notified at least ten days in advance of the date, time and location of the hearing, and the applicant may then advise the Board of Control to decide the matter in her/his absence or attend the hearing with an attorney or other representative. The Board of Control will notify the applicant of its decision by mail.

APPENDIX D

RALPH CIVIL RIGHTS ACT: OVERVIEW, ENFORCEMENT AVENUES, REMEDIES

Purpose: Freedom from violence or intimidation by threat of violence.

Prohibits: Violence or intimidation by threat of violence against PERSONS or their PROPERTY because of their membership in a protected class of people.

Individuals Protected: All those subjected to violence or threats of violence because of their:

- Race
- Color
- Religion
- National Origin
- Political Affiliation
- Sex
- Sexual Orientation
- Age
- Disability
- Position in a labor dispute (excludes statements made during otherwise lawful labor picketing)

PLUS

- Any other arbitrary, class-based distinction.

California Civil Code Section 51.7: "The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive."

Application:

- Neighborhoods
- Employment
- Housing
- Public Accommodations
- Public Property
- Private Property
- Places of Worship

Liable Parties: (California Civil Code Section 52; California Government Code Section 12948)

- Whoever denies rights provided by Civil Code Section 51.7; i.e., whoever perpetrates violence or intimidation by threat of violence to persons or their property
- Whoever AID, INCITES, or CONSPIRES in denial of rights created by 51.7
- Employers may be liable for the acts of their agents
- Housing providers may be liable for the acts of their agents

Enforcement Avenues: (California Civil Code Section 52; California Government Code Section 12930(f)(2))

An individual (or in some circumstances, a community organization) may:

- File a complaint directly with a private attorney

OR

- File a complaint with the Department of Fair Employment and Housing (DFEH)

OR

- File a Small Claims Court action

If the intimidation or violence is a PATTERN OR PRACTICE of bias-related threats, a civil lawsuit may be filed by:

- the California Attorney General
- any District Attorney
- any City Attorney

Individuals Who May File Complaints:

- The victim himself/herself
- The victim may file on behalf of a group or class
- The victim who is threatened because of his/her association with a protected class
- A community organization or HRC, if the perpetrator of violence interfered with the organization's activities or diminished the organization's resources
- The California Attorney General, District Attorney, or any City Attorney if the violence or intimidation is in the nature of "pattern and practice" conduct
- The Director of the Department of Fair Employment and Housing may file a pattern-and-practice or class action complaint with DFEH

Remedies: (California Civil Code Section 52; California Government Code Section 12970)

An individual (or in some cases, a community organization) who files a Ralph Act cause of action may obtain:

- Actual Damages
 - ◆ Through DFEH
 - ◆ Through a private attorney by going to court
 - ◆ Through a Small Claims Court action

Actual damages include:

- ◆ All monetary loss associated with hate violence
- ◆ Cost of medical treatment
- ◆ Lost wages
- ◆ Repair or replacement of property

- ◆ Monetary compensation for emotional suffering and distress (a legal question exists as to whether available through DFEH)
- Treble damages (3 times actual damages)
 - ◆ Only through a private attorney and civil suit
- \$10,000 penalty to victim
 - ◆ Only through a private attorney or civil suit (a legal question exists as to whether available through DFEH)
- Attorney Fees
 - ◆ Through a private attorney as determined by court
 - ◆ Through DFEH only if victim's own attorney's work is independent and not unnecessarily duplicative of the work of DFEH attorneys
- Injunctive relief (restraining orders)
 - ◆ Through DFEH
 - ◆ Through a private attorney
 - ◆ Through the California Attorney General, any District Attorney, or City Attorney if the violation is a pattern and practice of bias-related violence or intimidation

APPENDIX E

RALPH ACT
(California Civil Code Sections 51.7 and 52)

COMPARISON OF ENFORCEMENT AVENUES

	REMEDIES AVAILABLE	LIMITATIONS	ADVANTAGES	DISADVANTAGES
California Department of Fair Employment & Housing	- Actual Damages - Injunctive Relief	Must be filed within <u>one year</u> of incident.	- No cost to victim	- Limited remedies: cannot get punitives or penalties; a legal question exists as to whether compensatory damages for emotional distress are available - Cannot handle criminal prosecution - Respondent must be named for DFEH to take case
Private Attorney	- Actual Damages - Civil Penalty - Punitive Damages - Attorney's Fees - Injunctive Relief	Must be filed within <u>one to four years</u> of incident.	- Victim's choice of representation	- Fees for representation - Cannot handle criminal prosecution
District Attorney	- Injunctive Relief - Criminal Fines, Imprisonment, etc.	Must be filed within <u>one to four years</u> of incident.	- No cost to victim.	- Injunctions only for a "pattern and practice" of conduct under Ralph.
City Attorney	- Injunctive Relief - Criminal Fines, Imprisonment etc.	Must be filed within <u>one to four years</u> of incident.	- No cost to victim	- Injunctions only for a "pattern or practice" of conduct under Ralph.
California Attorney General (Department of Justice)	- Injunctive Relief - Criminal Fines, Imprisonment, etc.	Must be filed within <u>one to four years</u> of incident.	- No cost to victim - In some instances, Attorney General will investigate where local police will not. - Attorney General does <u>not</u> need a known perpetrator to exercise their jurisdiction.	- Injunctions only for a "pattern or practice" of conduct under Ralph

Small Claims Court	- Actual Damages	Must be filed within <u>one to four</u> <u>years</u> of incident	- Minimal cost to victim. - Individual may represent himself/herself - Minimal processing and hearing time	- Damages limited to \$2,500
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